REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	04 March 1999
Name of applicant/court:	The District Court at Napier
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	!!!!!!13.jpg
Other Known Titles:	Not Stated
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Stated
Author:	Not Applicable
Format:	Computer Printout
Country of Origin:	Not Stated
Language:	English

Components of film originally examined: Not Applicable.

Feature: Running time:

Trailers: Running time:

Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The computer printout entitled *!!!!!!13.jpg* is classified as:
Objectionable.

The publication is a computer printout of a computer file onto a single sheet of A4 size white paper. It consists of a colour photographic image and text.

The computer printout shows a partially naked girl. She wears a top but nothing else and sits on a chair with her legs apart and one leg raised. Her genitalia are clearly visible. The girl smiles and looks directly at the viewer implicitly giving the impression that she is readily sexually available. She presents as being approximately 12-14 years old. She has an underdeveloped body. The amount of pubic hair the girl has indicates that she is still in an early stage of pubescence. The title contains the text "13" which appears to be a reference to her age.

The computer printout is intended to be sexually arousing and promotes the sexual characteristics of children and young persons to an adult audience. The viewer is encouraged to be sexually aroused by children and young persons who are implicitly presented as readily sexually available and as desirable, viable and legitimate sexual partners. Therefore the publication is considered to promote and support the exploitation of children and young persons for sexual purposes as outlined under s3(2)(a) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) and is therefore deemed to be objectionable.

The publication falls under s3(2) of the FVPC Act which overrides the New Zealand Bill of Rights Act 1990 (NZBR Act) because it is a deeming provision which cannot be given a meaning that is consistent with the rights and freedoms contained in s14 of the NZBR Act. As such if the Classification Office considers that the publication promotes or supports criteria listed in s3(2), the publication shall be deemed "objectionable" without any further consideration of the NZBR Act. This limit on freedom of expression is prescribed by law.

OFLC Ref: 9801426